

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

STATE COMPENSATION INSURANCE  
FUND,

Petitioner,

v.

WORKERS' COMPENSATION  
APPEALS BOARD,

Respondent;

CALIFORNIA INSURANCE  
GUARANTEE ASSOCIATION,

Real Party in Interest.

No. B169211

(W.C.A.B. No. VNO 374266)

ORDER MODIFYING OPINION  
AND DENYING REHEARING  
[NO CHANGE IN JUDGMENT]

THE COURT:\*

It is ordered that the opinion filed herein on June 24, 2004, be modified in the following particulars:

On page 3, top paragraph, second sentence, is modified to read: Apple One's insurer is in liquidation and the claims are administered by California Insurance Guarantee Association (CIGA).

On page 3, first full paragraph, last sentence, is modified to read: Rodarte filed a claim for benefits in October 1997.

On page 4, first paragraph, third sentence, is modified to read: Thus, State Fund asserts that in October 1997 disability and knowledge of work-relatedness coincided.

On page 5, third paragraph, first sentence, is modified to read: CIGA argues that *Chavira* is distinguishable because it does not consider the definition of disability in section 5412.

On page 5, fourth paragraph, first sentence, is modified to read: At oral argument, CIGA's attorney asserted that Rodarte did not have knowledge of disability as required by section 5412.

On page 5, fourth paragraph, third sentence, is modified to read: Furthermore, CIGA conceded in its answer to the petition that Rodarte knew the injury was work related.

This modification does not constitute a change in the judgment.